

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANDREW POPP, et al.,

Plaintiffs,

v.

UNITED STATES OF AMERICA,

Defendant.

Case No. 1:23-cv-01221-WBS-EPG

ORDER SETTING SETTLEMENT
CONFERENCE

Settlement Statements due: July 11, 2024
Settlement Conference: July 18, 2024, at 10:00
AM

At the parties' joint request (*see* ECF No. 21), Magistrate Judge Christopher D. Baker will hold a settlement conference on **July 18, 2024, at 10:00 a.m.** Unless the parties request the conference to be in-person, the Court will conduct the settlement conference via video conference. The Zoom settlement conference invitation will be distributed by the Court to the parties the week prior to the conference date.¹ The Court has reserved the entire day for this settlement conference and expects the parties will proceed with the settlement conference in good faith and attempt to resolve all or part of the case. If any party believes that the settlement conference will not be productive, that party shall so inform the Court no less than three (3) days in advance of the settlement conference.

Unless otherwise permitted in advance by the Court, the following individuals must attend the settlement conference: (1) all of the attorney(s) who will try the case; and (2) individuals with full authority to negotiate and settle the case, on any terms. *See* Local Rule 270(f).

¹ Any difficulties concerning Zoom video conference, or connecting to the Zoom video conference, shall immediately be reported to Susan Hall, Courtroom Deputy for Judge Baker, at SHall@caed.uscourts.gov.

1 **No later than July 11, 2024**, each party must submit to Judge Baker's chambers at
2 CDBorders@caed.uscourts.gov a confidential settlement conference statement. These statements
3 should neither be filed on the docket nor served on any other party.

4 In compliance with Local Rule 270(d)-(e), the settlement statements will be used
5 exclusively by Judge Baker to prepare for and conduct the settlement conference and not for any
6 other purpose. If applicable, the statements should be marked "CONFIDENTIAL." *See* Local
7 Rule 270(d).

8 The statements should not exceed ten (10) pages and must include:

9 (1) a brief recitation of the facts;

10 (2) a discussion of the strengths and weaknesses of the case, including the party's position
11 on the factual and legal issues and brief review of the evidence to support that party's factual
12 position;

13 (3) an itemized estimate of the expected costs for further discovery, pretrial, and trial
14 matters, in specific dollar terms;

15 (4) the party's best estimate of the probability that it will prevail should this case proceed
16 to trial;

17 (5) the party's best estimate of the damages or relief plaintiff may recover should this case
18 proceed to trial and plaintiff prevail (in specific dollar terms and/or injunctive relief, if
19 applicable);

20 (6) a history of settlement discussions (including a listing of any current settlement offers
21 from any party, in specific dollar terms), a candid statement of the party's current position on
22 settlement, including **the amount that it will give/accept to settle** (in specific dollar terms), and
23 a statement of the party's expectations for settlement discussions;

24 (7) a list of the individuals who will be attending the settlement on the party's behalf,
25 including names and, if appropriate, titles.

26 At the outset of the settlement conference, the undersigned may call upon the parties'
27 counsel and the party representatives to briefly discuss their expectations for the conference and
28 other matters of mutual interest before the parties break into separate caucuses.

 Notwithstanding the provisions of Federal Rule of Evidence 408, all statements made by

1 the parties relating to the substance or merits of the case, whether written or oral, made for the
2 first time during the settlement conference will be deemed to be confidential and shall not be
3 admissible in evidence for any reason in the trial of the case, should the case not settle. This
4 provision does not preclude admissibility in other contexts, such as pertaining to a motion for
5 sanctions regarding the settlement conference.

6 IT IS SO ORDERED.

7
8 Dated: **April 10, 2024**

/s/ Eric P. Grogan
UNITED STATES MAGISTRATE JUDGE